

103^D CONGRESS
1ST SESSION

H. R. 3460

To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, 1997, and 1998, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1993

Mr. RAHALL (for himself and Mr. SHUSTER) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce and Public Works and Transportation

A BILL

To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, 1997, and 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hazardous Materials
5 Transportation Act Reauthorization Amendments of
6 1993”.

7 **SEC. 2. DEFINITIONS.**

8 Section 103 of the Hazardous Materials Transpor-
9 tation Act (49 U.S.C. App. 1802) is amended in each of

1 paragraphs (5)(B) and (6)(A)(iii) by striking “packages”
2 and inserting “packaging”.

3 **SEC. 3. REGULATIONS.**

4 Section 105 of the Hazardous Materials Transpor-
5 tation Act (49 U.S.C. App. 1804) is amended—

6 (1) subsection (a)(3) by inserting “hazardous
7 materials” after “shipped,”;

8 (2) in each of subsections (a)(3) and
9 (a)(4)(B)(v) by striking “package” and inserting
10 “packaging”;

11 (3) by striking paragraph (1) of subsection (e)
12 and inserting the following:

13 “(1) a container or package, or a component of
14 a container or package, for the transportation of
15 hazardous materials is safe, certified, or in compli-
16 ance with the requirements of this title unless it
17 meets the requirements of all applicable regulations
18 issued under this title; or”.

19 **SEC. 4. REGISTRATION.**

20 Section 106(c) of the Hazardous Materials Transpor-
21 tation Act (49 U.S.C. App. 1805(c)) is amended by adding
22 at the end the following:

23 “(16) AUTHORITY OF SECRETARY TO WAIVE
24 MANDATORY FILING REQUIREMENT.—The Secretary
25 may waive the filing of a registration statement, or

1 the payment of a fee, required under this subsection,
2 or both, for any person not domiciled in the United
3 States who solely offers hazardous materials for
4 transportation to the United States from a place
5 outside the United States if the country of which
6 such person is a domiciliary does not require persons
7 domiciled in the United States who solely offer haz-
8 ardous materials for transportation to the foreign
9 country from places in the United States to file reg-
10 istration statements, or to pay fees, for making such
11 an offer.”.

12 **SEC. 5. INSPECTION-.**

13 Section 109(c)(1) of the Hazardous Materials Trans-
14 portation Act (49 U.S.C. App. 1808(c)) is amended by
15 striking “packages” and inserting “packagings”.

16 **SEC. 6. PENALTIES.**

17 Section 110(a)(1) of the Hazardous Materials Trans-
18 portation Act (49 U.S.C. App. 1809(a)(1)) is amended by
19 striking “package” and inserting “packaging”.

20 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

21 Section 115(a) of the Hazardous Materials Transpor-
22 tation Act (49 U.S.C. App. 1812(a)) is amended to read
23 as follows:

24 “(a) IN GENERAL.—There is authorized to be appro-
25 priated for carrying out this title (other than section 117,

1 117A, 118, and 121) not to exceed \$18,000,000 for fiscal
2 year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000
3 for fiscal year 1996, \$19,670,000 for fiscal year 1997, and
4 \$20,260,000 for fiscal year 1998.”.

5 **SEC. 8. TRAINING.**

6 (a) SUPPLEMENTAL PUBLIC SECTOR TRAINING
7 GRANTS.—Section 117A of the Hazardous Materials
8 Transportation Act (49 U.S.C. App. 1815) is amended by
9 adding at the end the following:

10 “(j) SUPPLEMENTAL TRAINING GRANTS.—

11 “(1) IN GENERAL.—In order to further the pur-
12 poses of subsection (b), relating to training public
13 sector employees to respond to accidents and inci-
14 dents involving hazardous materials, the Secretary
15 shall make grants to national nonprofit employee or-
16 ganizations engaged solely in fighting fires for the
17 purpose of training individuals with statutory re-
18 sponsibility to respond to hazardous materials acci-
19 dents and incidents.

20 “(2) USE OF FUNDS.—Funds granted to an or-
21 ganization under this subsection may be used—

22 “(A) to identify regions or locations in
23 which fire departments are in need of hazard-
24 ous materials training;

1 “(B) to prioritize such needs and develop
2 a means for evaluating specific training needs;

3 “(C) to train instructors to conduct haz-
4 ardous materials response training programs
5 and evaluate the efficacy of such training pro-
6 grams;

7 “(D) to purchase training equipment for
8 such training programs; and

9 “(E) to disseminate on a nationwide basis
10 the data developed, and the findings derived
11 from projects carried out, under this subsection.

12 “(3) USE OF TRAINING COURSES.—The Sec-
13 retary may only make a grant to an organization
14 under this subsection in a fiscal year if the organiza-
15 tion enters into an agreement with the Secretary to
16 use in such fiscal year—

17 “(A) a course or courses developed or iden-
18 tified under section 117A(g); or

19 “(B) other courses which the Secretary de-
20 termines are consistent with the objectives of
21 this subsection;

22 for training individuals with statutory responsibility
23 to respond to accidents and incidents involving haz-
24 ardous materials.

1 “(4) TERMS AND CONDITIONS.—The Secretary
2 may impose such additional terms and conditions on
3 grants to be made under this subsection as the Sec-
4 retary determines are necessary to protect the inter-
5 ests of the United States and to carry out the objec-
6 tives of this subsection.

7 “(k) REPORTS.—Not later than September 30, 1997,
8 the Secretary shall submit to Congress a report on the
9 allocation and uses of training grants authorized under
10 subsection (b) for fiscal years 1993 through fiscal year
11 1996 and grants authorized under subsection (j) and sec-
12 tion 118 for fiscal years 1995 and 1996. Such report shall
13 identify nonprofit organizations receiving training grants
14 and include a detailed accounting of all grant expenditures
15 by grant recipients, the number of employees trained
16 under the grant programs, and an evaluation of the effi-
17 cacy of training programs carried out.”.

18 (b) FUNDING.—Section 117A(i)(2) of such Act is
19 amended—

20 (1) by inserting “(A) GENERAL PROGRAM.—”
21 before “There”;

22 (2) by indenting subparagraph (A), as so des-
23 ignated, and moving subparagraph (A) 2 ems to the
24 right; and

1 (3) by adding at the end the following new sub-
2 paragraph:

3 “(B) SUPPLEMENTAL PROGRAM.—

4 “(i) FROM FEES.—There shall be
5 available to the Secretary for carrying out
6 subsection (j), from amounts in the ac-
7 count established pursuant to subsection
8 (h), \$250,000 per fiscal year for each of
9 fiscal years 1995, 1996, 1997, and 1998.

10 “(ii) FROM GENERAL REVENUES.—In
11 addition to amounts made available under
12 clause (i), there is authorized to be appro-
13 priated to the Secretary for carrying out
14 subsection (j) \$2,000,000 per fiscal year
15 for each of fiscal years 1995, 1996, 1997,
16 and 1998.”.

17 (c) HAZMAT EMPLOYEE TRAINING PROGRAM.—Sec-
18 tion 118 of such Act is amended—

19 (1) in subsection (a) by striking “may” and in-
20 serting “shall, subject to the availability of funds
21 under subsection (d),”;

22 (2) in subsection (b) by striking “National” and
23 all that follows through “Labor” and inserting “Sec-
24 retary”;

5 “(d) FUNDING.—There is authorized to be appro-
6 priated to the Secretary to carry out this section
7 \$10,000,000 per fiscal year for each of fiscal years 1995,
8 1996, 1997, and 1998.”.

11 (1) in paragraph (2)(H) by striking “and sec-
12 tion 118”;

15 (3) in paragraph (6)(B)(iii) by striking “and
16 section 118”.

Section 120 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1818) is amended by striking “package” and inserting “packaging”.

(a) GRANTS.—The Secretary of Transportation may make grants to 1 or more persons, including a State or local government or department, agency, or instrumental-

1 ity thereof, to carry out a pilot project to demonstrate the
2 feasibility of establishing and operating a reporting system
3 and computerized telecommunication data center that is
4 capable—

5 (1) of receiving, storing, and retrieving data on
6 all daily shipments of hazardous materials trans-
7 ported by motor carriers of property;

8 (2) of identifying the types of hazardous mate-
9 rials being transported by a motor carrier of prop-
10 erty; and

11 (3) of providing information to facilitate re-
12 sponses to accidents and incidents involving such
13 shipments.

14 (b) SELECTION OF CARRIERS.—The pilot project to
15 be carried out under this section must involve 2 or more
16 motor carriers of property. One of the motor carriers se-
17 lected to participate in the project must be a carrier that
18 transports mostly hazardous materials. The other motor
19 carrier selected must be a regular-route common carrier
20 that specializes in transporting less than truck-load ship-
21 ments. The motor carriers selected may be engaged in
22 multimodal movements of hazardous materials with other
23 motor carriers, rail carriers, or water carriers.

24 (c) TERMS AND CONDITIONS.—The Secretary may
25 impose such terms and conditions on grants to be made

1 under this section as the Secretary determines are nec-
2 essary to protect the interests of the United States and
3 to carry out the objectives of this section.

4 (d) COORDINATION.—To the maximum extent prac-
5 ticable, the Secretary of Transportation shall coordinate
6 a pilot project to be carried out under this section with
7 any existing Federal, State, and local government projects
8 and private projects which are similar to the pilot project
9 to be carried out under this section. The Secretary may
10 require that a pilot project under this section be carried
11 out in conjunction with such similar Federal, State, and
12 local government projects and private projects.

13 (e) FEDERAL SHARE.—The Federal share of the cost
14 of a pilot project carried out under this section shall be
15 100 percent, unless the grantee selected to carry out such
16 project agrees to a lower Federal share.

17 (f) REPORT.—Not later than December 31, 1997, the
18 Secretary of Transportation shall transmit to Congress a
19 report on the results of pilot projects carried out under
20 this section.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$1,000,000 for each of fiscal years 1995 and 1996. Such
24 sums shall remain available until expended.

1 **SEC. 11. STUDY OF HAZARDOUS WASTES TRANSPORTATION**
2 **NEAR FEDERAL PRISONS.**

3 (a) STUDY.—The Secretary of Transportation shall
4 conduct a study to determine the safety considerations of
5 transporting hazardous wastes in close proximity to Fed-
6 eral prisons, particularly those housing maximum security
7 prisoners. Such study shall include, but not be limited to,
8 an evaluation of the ability of such facilities and the des-
9 ignated local planning agencies to safely evacuate such
10 prisoners in the event of an emergency and any special
11 training, equipment, or personnel that would be required
12 by such facility and the designated local emergency plan-
13 ning agencies to carry out such evacuation.

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Secretary of Transpor-
16 tation shall transmit to Congress a report on the results
17 of the study conducted under this section, along with the
18 Secretary's recommendations for any legislative or regu-
19 latory changes to enhance the safety regarding the trans-
20 portation of hazardous wastes near Federal prisons.

21 **SEC. 12. STUDY OF RADIO MICROWAVE TECHNOLOGIES**
22 **AND HIGHWAY SAFETY.**

23 (a) ARRANGEMENTS WITH APPROPRIATE ENTITY.—
24 Not later than 90 days after the date of the enactment
25 of this Act, the Secretary of Transportation shall enter
26 into appropriate arrangements with the National Academy

1 of Sciences or any other appropriate entity to conduct a
2 comprehensive study and investigation with respect to
3 both commercial motor vehicles carrying hazardous mate-
4 rials and commercial motor vehicles generally of the fol-
5 lowing:

6 (1) Whether there is a safety justification for
7 regulating the use of radar detectors in such vehi-
8 cles.

9 (2) Whether there are ways in which radio
10 microwave technologies may be used to enhance the
11 safety of such vehicles, including by warning drivers
12 of such vehicles of—

13 (A) segments of roadway under construc-
14 tion, maintenance, or repair;

15 (B) obstructions on or adjacent to the
16 roadway, including accident sites;

17 (C) segments of roadway which have his-
18 torically higher accident rates; and

19 (D) conditions of restricted visibility
20 caused by snow, rain, fog, or dust.

21 (3) Whether there are ways radio microwave
22 technologies may be used in the application of intel-
23 ligent vehicle highway systems consistent with the
24 goals of the Intelligence Vehicle-Highway Systems
25 Act of 1991.

1 (b) CONSULTATION.—The entity conducting the
2 study and investigation under subsection (a) shall consult
3 in all aspects of the study and investigation, including
4 study design, organizations representing the commercial
5 motor vehicle industry (including segments of the industry
6 which transport hazardous materials), manufacturers of
7 radar detectors, users of radar detectors, highway safety
8 advocates, and such other persons as such entity considers
9 appropriate.

10 (c) AVAILABILITY OF INFORMATION.—The Secretary
11 of Transportation shall provide to the entity conducting
12 the study and investigation under subsection (a) any infor-
13 mation or data which such entity determines is necessary
14 for the purpose of conducting such study and investiga-
15 tion. The Secretary shall work with the States and other
16 appropriate organizations to develop, to the extent nec-
17 essary, any new information or data that is required to
18 carry out such study and investigation.

19 (d) REPORT.—The entity conducting the study and
20 investigation under subsection (a) shall report to the Sec-
21 retary and Congress its findings and recommendations
22 with respect to such study and investigation not later than
23 September 30, 1995.

24 (e) SECRETARIAL REVIEW AND REPORT.—Upon re-
25 ceipt of the report under subsection (d), the Secretary of

1 Transportation shall commence a review of such report
2 and of Federal policies regarding the use of radar detec-
3 tors and other radio microwave technologies with respect
4 to both commercial motor vehicles transporting hazardous
5 materials and commercial motor vehicles generally. Not
6 later than 120 days after the date of the receipt of the
7 report under subsection (d), the Secretary shall report to
8 the Congress on the results of such review. Such report
9 shall include a description of any administrative action
10 (including the issuance or modification of regulations) that
11 the Secretary plans to take as a result of such review re-
12 garding the use of radar detectors and other radio micro-
13 wave technologies in such vehicles.

14 (f) DEFINITION.—In this section, the term “radio
15 microwave technology” means any device or mechanism
16 which emits or detects radio microwaves, including radar
17 detectors.

18 (g) FUNDING.—The Secretary of Transportation
19 shall expend, out of amounts deducted under section
20 104(a) of title 23, United States Code, not more than
21 \$500,000 to carry out this section.

22 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
23 Nothing in this section shall alter in any way the authority
24 of the Secretary of Transportation to take any administra-
25 tive action which the Secretary is otherwise authorized to

1 take or alter in any way the discretion which the Secretary
2 otherwise has in the exercise of such authority.

3 **SEC. 13. PROHIBITION OF BILLBOARDS ON SCENIC BY-**
4 **WAYS.**

5 Section 131(s) of title 23, United States Code, is
6 amended by striking “subsection (c) of”.

7 **SEC. 14. USE OF FIBRE DRUM PACKAGING.**

8 (a) INITIATION OF RULEMAKING PROCEEDING.—Not
9 later than the 60th day following the date of the enact-
10 ment of this Act, the Secretary of Transportation shall
11 initiate a rulemaking proceeding to determine whether the
12 requirements of section 105(a) of the Hazardous Materials
13 Transportation Act as they pertain to openhead fiber
14 drum packaging can be met for the domestic transpor-
15 tation of liquid hazardous materials (with respect to those
16 classifications of liquid hazardous materials transported
17 by such drums pursuant to regulations in effect on Sep-
18 tember 30, 1991) with standards other than the perform-
19 ance oriented packaging standards adopted under docket
20 number HM-181 contained in part 178 of title 49, Code
21 of Federal Regulations.

22 (b) ISSUANCE OF STANDARDS.—If the Secretary of
23 Transportation determines, as a result of the rulemaking
24 proceeding initiated under subsection (a), that a packag-
25 ing standard other than the performance oriented packag-

1 ing standards referred to in subsection (a) will provide an
2 equal or greater level of safety for the domestic transpor-
3 tation of liquid hazardous materials than would be pro-
4 vided if such performance oriented packaging standards
5 were in effect, the Secretary shall issue regulations which
6 implement such other standard and which take effect be-
7 fore October 1, 1996.

8 (c) COMPLETION OF RULEMAKING PROCEEDING.—
9 The rulemaking proceeding initiated under subsection (a)
10 shall be completed before October 1, 1995.

11 (d) LIMITATIONS.—

12 (1) LIMITATION ON APPLICABILITY.—The pro-
13 visions of subsections (a), (b), and (c) shall not
14 apply to packaging for those hazardous materials
15 regulated by the Department of Transportation as
16 poisonous by inhalation under the Hazardous Mate-
17 rials Transportation Act.

18 (2) LIMITATION OF STATUTORY CONSTRUC-
19 TION.—Nothing in this section shall be construed to
20 prohibit the Secretary of Transportation from issu-
21 ing or enforcing regulations for the international
22 transportation of hazardous materials.

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